

- Group VI: Claims 39-66, directed to a method of augmenting a therapeutic treatment of heart disease;
- Group VII: Claims 39-66, directed to a method of augmenting a therapeutic treatment of chronic fatigue syndrome;
- Group VIII: Claims 39-66, directed to a method of augmenting a therapeutic treatment of neurodegenerative diseases;
- Group IX: Claims 39-66, directed to a method of augmenting a therapeutic treatment of radiation poisoning;
- Group X: Claims 39-66, directed to a method of augmenting a therapeutic treatment of ischemic events, and
- Group XI: Claims 39-66, directed to a method of augmenting a therapeutic treatment of infectious disease.

Applicant traverses the Restriction Requirement for the reasons stated below. In order to be responsive, Applicant elects the claims of Group I, claims 1-27, directed to a nutrient composition. Applicant reserves the right to pursue prosecution of the non-elected claims in a later filed application claiming the benefit of priority of the above-identified Application.

Applicant traverses the restriction requirement with respect to the division of the claims of Group I from the claims of Groups II-XI. Applicants submit that, while the claims of Group I are patentably distinct from the claims of Groups II-XI, a thorough search of the elected claims of Group I will include art relevant to the claims of non-elected Groups II-XI because these method claims all employ the nutrient composition of Group I claims.

Further, Applicant respectfully points out that the invention of Groups IV-XI all are directed to the same claims, namely, claims 39-66. Therefore, the restriction appears to only involve four groups of claims where the invention of Groups II, III and IV all employ the nutrient composition of Group I. As described further below, Applicant respectfully submits that all claims should be examined together because the searches substantially overlap and examination of all Groups of claims would not be an serious burden on the Examiner.

In this regard, Applicant submits that search and examination of the entire application does not pose a serious burden to the Examiner. In particular, a thorough search with respect to the nutrient composition for augmenting immune strength or physiological detoxification will

reveal the methods of stimulating immune system function (Group II); stimulating a physiological detoxification function (Group III) and augmenting a therapeutic treatment of a disease (Groups IV-XI) because each method uses the nutrient composition for augmenting immune strength or physiological detoxification as is claimed by the Group I claims. Similarly, any thorough search with respect to the methods of Groups II-IV (including the claims of Groups V-XI, all of which are indicated to be claims 39-66) also would reveal the nutrient composition of Group I claims since these method claims specifically recite this composition.

Therefore, examination of all Groups of claims together with the nutrient compositions of Group I would not pose a serious burden on the Examiner and examination of the entire application together is respectfully requested. Conversely, the division of claims 1-66 into four (or the stated eleven) separate groups will necessitate a largely duplicative effort by the U.S. Patent and Trademark Office that does not serve the overriding goal of economical use of resources. Accordingly, reconsideration and rejoinder of the claims is respectfully requested.

If rejoinder is denied for all or some of the restricted claims, Applicant respectfully requests a "second-eye review" as now implemented under the Restriction Practice Action Plan. Under the Action Plan, rejoinder practice is viewed favorably when examination of claims together would not pose a serious burden on the Examiner.

CONCLUSION

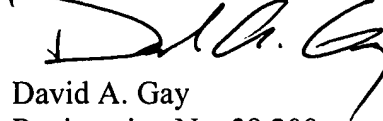
In view of the remarks submitted herein, Applicant respectfully requests that claims 1-27 of Group I be examined. In addition, Applicant respectfully requests the Examiner reconsider the restriction requirement and rejoin for examination the related groups of claims as set forth above. The Examiner is invited to call the undersigned attorney if there are any questions regarding this application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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